

EXHIBIT A

Exhibit A**Parties' Proposed Constructions and Identification of Intrinsic/Extrinsic Evidence**

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
1.	'302 patent, claim 7 '148 patent, claim 35	coding	<p>transforming information by applying a known algorithm</p> <p><u>Intrinsic Support</u> <i>Specification</i> '302 Patent: 2:26-29; 3:37-35; 4:21-24; 5:34-44; 7:12-15; 13:24-28.¹</p> <p>FIGS. 1, 6 (element 12).</p> <p><u>Extrinsic Support</u> <i>Stambler v. RSA Sec., Inc.</i>, 01-065, at pg. 4 (D. Del. Jan. 29, 2003) (claim construction order).</p> <p>Joint Claim Construction and Prehearing Statement Pursuant to P.R. 4-3 at pp. 1-2, Exs. A, B, <i>Stambler v. JPMorgan Chase & Co., et. al</i>, No. 08-204 (E.D. Tex. Nov. 17, 2009) [Dkt. No. 356] (agreed construction of coding).</p> <p>Memorandum Opinion and Order on</p>	<p><i>No construction necessary outside of context of phrases</i></p> <p>Defendants contend that it is incorrect to construe "coding" as an individual term. Rather, the meaning of "coding" should be supplied within the context of the phrase in which it is used.</p> <p>For example, "coding" when used in the context of generating a VAN means "transforming information into a VAN by applying a known algorithm under which the resulting VAN can either be uncoded by reversing the coding operation or compared to a new VAN generated by applying that same known algorithm to the information"</p> <p>Coding in the context of "creating an error detection code (EDC1) by coding" is a different contextual use of coding and means "creating an error detection code (EDC1) by applying an algorithm to information in such a manner as to permit detection of</p>

¹ The '148 and '302 Patents share a common specification. For consistency, Stambler has cited to the '302 Patent for all specification cites.

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
			Claim Construction, <i>Stambler v. JPMorgan Chase & Co., et al</i> , No. 08-204, at 6 (E.D. Tex. April 10, 2010) [Dkt. No. 393] (agreed construction of coding).	changes but without complete recovery of the original information.” <u>Intrinsic</u> ² '302 patent, 3:36-48; 5:3-22; 5:34-44; 6: 66-7:15; Figs. 1, 2, 6, 7, 8A-8B
2.	'302 patent, claims 7, 41, 44, 47, 51 '148 patent, claim 28	associated with	Agreed construction: identified with or having a connection to	Agreed construction: identified with or having a connection to
3.	'302 patent, claims 7, 47, 51	credential	a non-secret document or information obtained from a trusted source that is transferred or presented for purposes of determining the identity of a party <u>Intrinsic Support</u> <i>Specification</i> '302 Patent: 1:24-42; 7:16-17; 8:45-13:39; 17:1-20:42; 22:7-9. FIGS. 9, 10A-10B, 11, 12A-12B, 15A-15C. <i>Claims</i> '302 Patent, claims 7, 47, 51.	a document or information obtained from a trusted source that is transferred or presented to establish the identity of a party <u>Intrinsic</u> '302 patent, 8:45-50; 10:6-10; 11:40-50; 12:28-12:57; 17:13-59; 18:53-20:24; Figs. 9-12B, 15-15C File history of related U.S. Patent No. 5,646,998, Dec. 28, 1995 Amendment Remarks at 5 <u>Extrinsic</u> Jan. 29, 2003 Memorandum Order in <i>Stambler v. RSA Security, Inc. et al.</i> ,

² In addition to the evidence cited herein, Defendants reserve the right to rely generally on the Jan. 29, 2003 Memorandum Order in *Stambler v. RSA Security, Inc. et al.*, No. 01-65 (SLR)(D.Del.), the April 9, 2010 Memorandum Opinion and Order in *Stambler v. JPMorgan Chase & Co.*, No. 2:08-CV-204 (E.D. Tex.), and any order of the Court regarding claim construction that may be issued in *Leon Stambler v. Merrill Lynch, et al.*; No. 2:08-CV-462 (E.D. Tex.).

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
			<p><i>Prosecution History</i></p> <p>App. 08/445,477, Applicant's Response Dated 12/28/95 at pp. 7-9.</p> <p>App. 08/872,116, Applicant's Response Dated 8/13/97 at pg. 18.</p> <p><u>Extrinsic Support</u></p> <p>The American Heritage Dictionary of the English Language 438 (3d ed. 1992) (credential).</p> <p>Webster's Encyclopedic Unabridged Dictionary of the English Language 341 (Deluxe Edition 1994) (credential).</p> <p>Memorandum Opinion and Order on Claim Construction, <i>Stambler v. JPMorgan Chase & Co., et al</i>, No. 08-204, at 21-22 (E.D. Tex. April 10, 2010) [Dkt. No. 393] (Court's construction for credential).</p>	<p>No. 01-65 (SLR)(D.Del.)</p> <p>Feb. 11, 2005 Decision of the United States Court of Appeals for the Federal Circuit in <i>Stambler v. RSA Security, Inc. et al.</i></p>
4.	'302 patent, claim 47, 51	credential information	Agreed construction: information stored or contained in a	Agreed construction: information stored or contained in a credential

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			credential	
5.	'302 patent, claims 7, 47, 51	previously issued	<p>issued before the execution of the steps recited in the claim</p> <p>“wherein a credential having non-secret information stored therein is previously issued to at least one entity by a trusted entity” is a limitation but not a step of the claim.</p> <p>“at least one party being previously issued a credential by a trusted party” is a limitation but not a step of the claim.</p> <p><u>Intrinsic Support</u> <i>Claims</i> '302 Patent, claim 7, 8, 19, 28, 33, 41, 47, 51, 57, 62, 79, 80.</p> <p><u>Extrinsic Support</u> The American Heritage Dictionary of the English Language 1436 (3d ed. 1992) (previous).</p> <p>Webster's Encyclopedic Unabridged Dictionary of the English Language 1141 (Deluxe Edition 1994) (previous).</p> <p>MPEP § 608.01(i) (7th ed. 1997).</p>	<p>“wherein a credential having non-secret information stored therein is previously issued to at least one entity by a trusted entity” is a required step of the claim which occurs prior to “coding the information using second information.”</p> <p>“at least one party being previously issued a credential by a trusted party” is a required step of the claim that occurs prior to the other steps recited in the claim.</p> <p>As used in the preamble of claim 51, the credential referenced in the body of the claim must already be issued before the execution of the steps in the claim.</p> <p><u>Intrinsic</u> '302 patent, 25:21-32; 32:66 - 33:8; 33:16-36</p> <p>File history of '302 patent, November 7, 1997 Response to Non-Final Office Action at 52 (“The credential is issued during an enrollment process.”)</p>

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			<p><i>Stambler v. RSA Sec., Inc.</i>, 01-065, at pg. 5 (D. Del. Jan. 29, 2003) (claim construction order).</p> <p>The Chicago Manual of Style § 5.108 (3rd ed. Univ. Chicago Press 2003).</p> <p>Memorandum Opinion and Order on Claim Construction, <i>Stambler v. JPMorgan Chase & Co., et al</i>, No. 08-204, at 24-26 (E.D. Tex. April 10, 2010) [Dkt. No. 393] (Court's construction for "previously issued").</p>	
6.	'302 patent, claims 41, 47, 51	information for identifying the first account of the first party	<p>Plain meaning; alternatively, information that is used to identify an account associated with the first party</p> <p><u>Intrinsic Support</u> <i>Specification</i> '302 Patent: 4:8-13; 4:33-5:2; 5:55-6:62; 7:29-45; 13:33-67; 14:33-36; 15:57-16:11; 16:42-52; 22:25-30; 24:4-29.</p> <p>FIGS. 7-8B, 13A-13E.</p>	<p>information that is used to identify a precise record of debit and/or credit transactions particular to the first party</p> <p><u>Intrinsic</u> '302 patent, 24:7-14 File history of '302 patent, November 7, 1997 Response to Non-Final Office Action at 55</p> <p><u>Extrinsic</u> The American Heritage Dictionary of the English Language, 4th ed., Houghton Mifflin Company 12 (2000) The Oxford American Dictionary, Oxford University Press 7-8 (1999) Ninth New Collegiate Dictionary,</p>

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			<p><i>Claims</i></p> <p>'302 Patent, claims 41, 51.</p> <p><u>Extrinsic Support</u></p> <p>Memorandum Opinion and Order on Claim Construction, <i>Stambler v. JPMorgan Chase & Co., et al</i>, No. 08-204, at 23-24 (E.D. Tex. April 10, 2010) [Dkt. No. 393] (Court's construction for "information for identifying the first/second account of the first/second party").</p>	Merriam-Webster Inc. 50 (1993)
7.	'302 patent, claims 41, 51	information for identifying the second account of the second party	<p>Plain meaning; alternatively, information that is used to identify an account associated with the second party</p> <p><u>Intrinsic Support</u></p> <p><i>Specification</i></p> <p>'302 Patent: 4:8-13; 4:33-5:2; 5:55-6:62; 7:29-45; 13:33-67; 14:33-36; 15:57-16:11; 16:42-52; 22:25-30; 24:4-29.</p> <p>FIGS. 7-8B, 13A-13E.</p>	<p>information that is used to identify a precise record of debit and/or credit transactions particular to the second party</p> <p><u>Intrinsic</u></p> <p>'302 patent, 24:7-14</p> <p>File history of '302 patent, November 7, 1997 Response to Non-Final Office Action at 55</p> <p><u>Extrinsic</u></p> <p>The American Heritage Dictionary of the English Language, 4th ed., Houghton Mifflin Company 12 (2000)</p> <p>The Oxford American Dictionary, Oxford University Press 7-8 (1999)</p>

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
			<p><i>Claims</i></p> <p>'302 Patent, claims 41, 51.</p> <p><u>Extrinsic Support</u></p> <p>Memorandum Opinion and Order on Claim Construction, <i>Stambler v. JPMorgan Chase & Co., et al</i>, No. 08-204, at 23-24 (E.D. Tex. April 10, 2010) [Dkt. No. 393] (Court's construction for "information for identifying the first/second account of the first/second party").</p>	Ninth New Collegiate Dictionary, Merriam-Webster Inc. 50 (1993)
8.	<p>'302 patent, claims 41, 46, 47, 51</p> <p>'148 patent, claims 1, 28, 34, 35</p>	variable authentication number (VAN)	<p>an encoded variable number that can be used in verifying the identity of a party or the integrity of information or both, the number generated by coding information relevant to a transaction, document, or thing with either a joint key or information associated with or assigned or related to at least one party to the transaction or issuance of the document or thing</p> <p><u>Intrinsic Support</u></p> <p><i>Specification</i></p> <p>'302 Patent: Abstract; 2:5-30; 3:36-49; 4:53-54; 5:9-54; 6:66-8:15; 8:45-11:33;</p>	<p>an encoded variable number constructed to allow verification that information is not fraudulent</p> <p><u>Intrinsic</u></p> <p>'302 patent, 1:24-42; 1:43-2:4; 2:7-9; 22:11-24:28; 22:18-20; 22:42-49; 22:54-57; 23:11-14; 23:46-52; 24:14-23; 2:9-29; 2:31-55; 3:1-6; 5:3-34, 5:55-6:21, 6:38-43, 6:66-7:20; 3:7-13; 11:17-20; 12:28-30, 12:35-40, 12:53-13:28; 3:14-18; 13:43-48; 13:56-60; 15:18-27; 15:28-45; 15:46-56; 15:57-16:11; 16:22-41; 16:53-59; 3:19-21; 17:1-13; 17:13-23; 17:52-54; 18:44-52; 18:53-63; 19:26-49; 3:22-25; 20:43-46; 21:7-14; 21:35-43; 7:16-20; 9:44-48; 12:5-7; 13:19-22; 16:37-41; 23:14-15;</p>

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
			<p>11:65-12:2; 14:1-15; 14:43-50; 15:28-16:59; 19:40-20:4; 21:7-22:10; 22:65-23:22; 24:2-29.</p> <p>FIGS. 7, 8A-8B, 11, 12A-12B, 13A-13E, 15A-15C, 16.</p> <p><i>Claims</i></p> <p>'302 Patent, claims 41, 47, 53</p> <p>'148 Patent, claims 1, 16, 28, 34, 35</p> <p><i>Prosecution History</i></p> <p>App. 08/747,174, Amendment Dated 11/7/97 at pp. 54-55.</p> <p><u>Extrinsic Support</u></p> <p>Dennis Longley et al., Information Security: Dictionary of Concepts, Standards and Terms 30 (MacMillan Publishers 1992) (authentication).</p> <p>Deborah Russell & G.T. Gangeme Sr., Computer Security Basics 405 (O'Reilly & Associates 1991)</p>	<p>5:40-44; Figures 6, 7, 8A, 8B, 9-12, 13A-13E, 14, 15A-15C, and 16</p> <p>'148 patent, 1:26-44; 1:44-2:5; 2:8-10; 22:11-24:28; 22:18-20; 22:42-49; 22:54-57; 23:11-14; 23:46-52; 24:14-23; 2:10-30; 2:31-55; 3:1-6; 5:3-34, 5:55-6:21, 6:38-43, 6:66-7:20; 3:7-13; 11:17-20; 12:28-30, 12:35-40, 12:53-13:28; 3:14-18; 13:43-48; 13:56-60; 15:18-27; 15:28-45; 15:46-56; 15:57-16:11; 16:22-41; 16:53-59; 3:19-21; 17:1-13; 17:13-23; 17:52-54; 18:44-52; 18:53-63; 19:26-49; 3:22-25; 20:43-46; 21:7-14; 21:35-43; 7:16-20; 9:44-48; 12:5-7; 13:19-22; 16:37-41; 23:14-15; 5:40-44; Figures 6, 7, 8A, 8B, 9-12, 13A-13E, 14, 15A-15C, and 16</p> <p>File history of '302 patent, Nov. 7, 1997 Response to Non-Final Office Action at 52-60</p> <p><u>Extrinsic</u></p> <p>April 9, 2010 Memorandum Opinion and Order in <i>Stambler v. JPMorgan Chase & Co.</i>, No. 08-204 at 19-20 (E.D. Tex.)</p> <p>The IEEE Standard Dictionary of Electronical and Electronics Terms, 6th ed. (1996)</p> <p>The IEEE Standard Dictionary of</p>

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			<p>(authentication, authenticity).</p> <p>David E. Newton, Encyclopedia of Cryptology (ABC-CLIO 1997) (authentication).</p> <p>ANSI Standard X9.9, Financial Institution Message Authentication (Wholesale) 1 (ANSI 1986) (authentication).</p> <p>D.W. Davies & W.L. Price, Security for Computer Networks 360-61, 363, 365, 367 (2nd ed. John Wiley & Sons 1989) (authentication, data origin authentication, integrity, peer-entity authentication).</p> <p>IBM Dictionary of Computing 40 (Third Ed. 1993) (authentication).</p> <p>The American Heritage Dictionary of the English Language 124 (3d ed. 1992) (authentic, authenticate, authenticity).</p> <p>Webster's Encyclopedic Unabridged</p>	Electronical and Electronics Terms, 7th ed. (2000)

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			<p>Dictionary of the English Language 99 (Deluxe Edition 1994) (authentic, authenticate, authenticity).</p> <p><i>Stambler v. RSA Sec., Inc.</i>, 01-065, at pg. 2 (D. Del. Jan. 29, 2003) (claim construction order).</p> <p>Plaintiff's Opening Brief on Claim Construction at 22, <i>Stambler v. RSA Sec., Inc.</i>, 01-065 (D. Del. October 15, 2002).</p> <p>Memorandum Opinion and Order on Claim Construction, <i>Stambler v. JPMorgan Chase & Co., et al</i>, No. 08-204, at 11-13 (E.D. Tex. April 10, 2010) [Dkt. No. 393] (Court's construction for "variable authentication number").</p>	
9.	'302 patent, claims 41, 51	if the at least a portion of the received funds transfer information and the VAN are determined to be authentic	<p>Agreed construction:</p> <p>if the at least a portion of the received funds transfer information is unchanged and the VAN is not fraudulent</p>	<p>Agreed construction:</p> <p>if the at least a portion of the received funds transfer information is unchanged and the VAN is not fraudulent</p>
10.			Withdrawn	Withdrawn

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11.	'302 patent, claim 46 '148 patent, claim 35	error detection code	Agreed construction: the result of applying an algorithm to information in such a manner as to permit detection of changes but without complete recovery of the original information	Agreed construction: the result of applying an algorithm to information in such a manner as to permit detection of changes but without complete recovery of the original information
12.	'302 patent, claims 7, 47, 51	trusted entity/trusted party	a party/entity who is trusted or whose integrity is relied on to issue credentials <u>Intrinsic Support</u> <i>Specification</i> 1:28-32; 8:45-13:29 FIGS. 15A-C. <i>Claims</i> '302 Patent, claims 7, 10, 11, 47, 51. '148 Patent, claims 9, 24. '541 Patent, claims 20, 32, 41. <u>Extrinsic Support</u> The American Heritage Dictionary of the English Language 1920 (3d ed. 1992) (trust).	agency having officially recognized authority to issue credentials <u>Intrinsic</u> '302 patent, 8:45-66; 11:34-40; Figs. 9, 10A, 10B, 11, 15A, and 15B; claims 7, 47, 51
13.	'148 patent, claim 28	payor	a person or entity who pays, or who is to make a [payment] <u>Intrinsic Support</u> <i>Specification</i>	party paying for or purchasing goods or services <u>Intrinsic</u> '148 patent, cl. 28; 23:11-12

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
			<p>'302 Patent: 4:3-11; 22:65-24:27.</p> <p><i>Claims</i></p> <p>'148 Patent, claims 16-19, 22-28, 30.</p> <p><u>Extrinsic Support</u></p> <p>Webster's New Collegiate Dictionary 835 (G. & C. Merriam Co. 1981) (payer).</p> <p>Black's Law Dictionary 1129 (6th ed. 1990) (payer, <i>or</i> payor).</p> <p>Joint Claim Construction and Prehearing Statement Pursuant to P.R. 4-3 at pg. 1, Ex. A, <i>Stambler v. JPMorgan Chase & Co., et. al</i>, No. 08-204 (E.D. Tex. Nov. 17, 2009) [Dkt. No. 356] (agreement that payor/payer refer to same entity).</p> <p>Memorandum Opinion and Order on Claim Construction, <i>Stambler v. JPMorgan Chase & Co., et al</i>, No. 08-204, at 7 (E.D. Tex. April 10, 2010) [Dkt. No. 393] (agreed construction for "payer/payor").</p>	<p>File History of U.S. Patent No. 5,524,073: Jan. 13, 1995, Amendment Remarks at 8 and 11</p>
14.	'148 patent, claim 28	payer	a person or entity who pays, or who is to make a [payment]	<i>Term is indefinite; not capable of being construed</i>

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			<p><u>Intrinsic Support</u></p> <p><i>Specification</i> '302 Patent: 4:3-11; 22:65-24:27.</p> <p><i>Claims</i> '148 Patent, claims 16-19, 22-28, 30.</p> <p><u>Extrinsic Support</u> Webster's New Collegiate Dictionary 835 (1981) (payer)</p> <p>Black's Law Dictionary 1129 (6th ed. 1990) (payer, <i>or</i> payor).</p> <p>Joint Claim Construction and Prehearing Statement Pursuant to P.R. 4-3 at pg. 1, Ex. A, <i>Stambler v. JPMorgan Chase & Co., et. al</i>, No. 08-204 (E.D. Tex. Nov. 17, 2009) [Dkt. No. 356] (agreement that payor/payer refer to same entity).</p> <p>Memorandum Opinion and Order on Claim Construction, <i>Stambler v. JPMorgan Chase & Co., et al</i>, No. 08-204, at 7 (E.D. Tex. April 10, 2010) [Dkt. No. 393] (agreed construction for "payer/payor").</p>	<p><u>Intrinsic</u> '148 patent, cl. 28. The term "payer" is not found in the specification.</p>
15.	'302 patent, claims 43, 44, 53	payment	Agreed construction:	Agreed construction:

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	'148 patent, claims 28, 35		compensation in exchange for goods or services or the discharge of a debt	compensation in exchange for goods or services or the discharge of a debt
16.	'148 patent, claim 28	secret key of the payor	<p>a private key that is created by the payor, or an entity originating an instrument on the payor's behalf, by coding information associated with or related to the payor, which is capable of being separately created by a party intended to authenticate the instrument</p> <p><u>Intrinsic Support</u></p> <p><i>Specification</i> '302 Patent: Abstract; 2:7-44; 4:4-10; 4:52-5:54; 6:22-7:15; 7:49-59; 8:45-11:33; 14:43-50; 15:28-16:11.</p> <p>FIGS. 7, 8A-8B, 13A-13E.</p> <p><i>Claims</i> '148 Patent: 1, 4, 16, 19, 28, 30, 34, 35.</p> <p><i>Prosecution History</i> App. 08/855,561, Preliminary Amendment Dated Aug. 25, 1998 at pp. 19-21 (claims 136, 138-39).</p> <p><u>Extrinsic Support</u> Deborah Russell & G.T. Gangeme Sr.,</p>	<p>key that is generated by coding information associated with and known, prior to any coding, only by the payor, for use in any future transactions</p> <p><u>Intrinsic</u> Figs. 6-8B.</p> <p>'302 patent, 2:31-54; 2:48-55; 4:14-24; 4:43-46; 5:3-6; 5:62-6:1; 6:29-40; 6:51-55</p> <p>File history of '302 patent, Nov. 7, 1997 Amendment Remarks at 53</p> <p>File history of related U.S. Patent No. 5,267,314, March 18, 1993 Amendment Remarks at 38</p> <p><u>Extrinsic</u> Stambler Dep., 1/14/10, 201:4-202:9; 339:9-16</p> <p>Stambler Dep., 3/14/02, 1030:14-19</p> <p>Finkel Dep., 9/18/02, 396:6-13; 394:12-17</p> <p>STAM 117-19</p>

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			<p>Computer Security Basics 414 (O'Reilly & Associates 1991) (key).</p> <p>David E. Newton, Encyclopedia of Cryptology (ABC-CLIO 1997) (key).</p> <p><i>Stambler v. RSA Sec., Inc.</i>, 01-065, at pg. 2 (D. Del. Jan. 29, 2003) (claim construction order).</p> <p>The American Heritage Dictionary of the English Language 1442 (3d ed. 1992) (private).</p>	
17.	'148 patent, claim 28	the VAN being used for attesting to the authenticity of the payor and document information	<p>the VAN being used to verify that the instrument originated from the payor and that the at least a portion of the document information used to create the VAN has not changed</p> <p><u>Intrinsic Support</u></p> <p><i>Specification</i></p> <p>'302 Patent: Abstract; 1:24-2:4; 2:7-30; 4:42-46; 5:3-6:45; 6:66-7:32; 7:49-8:44; 13:12-60; 15:17-16:41; 22:7-9; 23:11-17; 24:5-29.</p> <p>FIGS. 7-8B, 13A-13E.</p>	<p>the VAN being used to verify that the identity of the payor and the document information used to create the VAN are not fraudulent</p> <p><u>Intrinsic</u></p> <p>'302 patent, 1:24-42; 1:43-2:4; 2:7-9; 22:11-24:28; 22:18-20; 22:42-49; 22:54-57; 23:11-14; 23:46-52; 24:14-23; 2:9-29; 2:31-55; 3:1-6; 5:3-34, 5:55-6:21, 6:38-43, 6:66-7:20; 3:7-13; 11:17-20; 12:28-30, 12:35-40, 12:53-13:28; 3:14-18; 13:43-48; 13:56-60; 15:18-27; 15:28-45; 15:46-56; 15:57-16:11; 16:22-41; 16:53-59; 3:19-21; 17:1-13; 17:13-23; 17:52-54; 18:44-52; 18:53-63; 19:26-49; 3:22-25; 20:43-46; 21:7-14; 21:35-43; 7:16-20; 9:44-48;</p>

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
			<p><i>Claims</i></p> <p>'302 Patent: 41, 45, 51, 53, 54, 60.</p> <p>'148 Patent: 1, 16, 28, 34, 35.</p> <p><u>Extrinsic Support</u></p> <p>Dennis Longley et al., Information Security: Dictionary of Concepts, Standards and Terms 30, 141 (MacMillan Publishers 1992) (authentication).</p> <p>Deborah Russell & G.T. Gangeme Sr., Computer Security Basics 405 (O'Reilly & Associates 1991) (authentication, authenticity).</p> <p>David E. Newton, Encyclopedia of Cryptology (ABC-CLIO 1997) (authentication).</p> <p>ANSI Standard X9.9, Financial Institution Message Authentication (Wholesale) 1 (ANSI 1986) (authentication).</p>	<p>12:5-7; 13:19-22; 16:37-41; 23:14-15; 5:40-44; Figures 6, 7, 8A, 8B, 9-12, 13A-13E, 14, 15A-15C, and 16</p> <p>'148 patent, 1:26-44; 1:44-2:5; 2:8-10; 22:11-24:28; 22:18-20; 22:42-49; 22:54-57; 23:11-14; 23:46-52; 24:14-23; 2:10-30; 2:31-55; 3:1-6; 5:3-34, 5:55-6:21, 6:38-43, 6:66-7:20; 3:7-13; 11:17-20; 12:28-30, 12:35-40, 12:53-13:28; 3:14-18; 13:43-48; 13:56-60; 15:18-27; 15:28-45; 15:46-56; 15:57-16:11; 16:22-41; 16:53-59; 3:19-21; 17:1-13; 17:13-23; 17:52-54; 18:44-52; 18:53-63; 19:26-49; 3:22-25; 20:43-46; 21:7-14; 21:35-43; 7:16-20; 9:44-48; 12:5-7; 13:19-22; 16:37-41; 23:14-15; 5:40-44; Figures 6, 7, 8A, 8B, 9-12, 13A-13E, 14, 15A-15C, and 16</p> <p>File history of '302 patent, Nov. 7, 1997 Response to Non-Final Office Action at 52-60</p> <p><u>Extrinsic</u></p> <p>April 9, 2010 Memorandum Opinion and Order in <i>Stambler v. JPMorgan Chase & Co.</i>, No. 08-204 at 19-20 (E.D. Tex.)</p> <p>The IEEE Standard Dictionary of Electrical and Electronics Terms, 6th ed. (1996)</p>

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
			<p>D.W. Davies & W.L. Price, Security for Computer Networks 360-61, 363, 365, 367 (2nd ed. John Wiley & Sons 1989) (authentication, data origin authentication, integrity, peer-entity authentication).</p> <p>IBM Dictionary of Computing 40 (Third Ed. 1993) (authentication).</p> <p>The American Heritage Dictionary of the English Language 119, 124 (3d ed. 1992) (attest, authentic, authenticate, authenticity).</p> <p>Webster's Encyclopedic Unabridged Dictionary of the English Language 96, 99 (Deluxe Edition 1994) (attest, authentic, authenticate, authenticity).</p> <p>Roget's A-Z Thesaurus 274 (Macmillan 1999) (evidence).</p> <p>Joint Claim Chart Pursuant to P.R. 4-5(d) at pp. 16-17, <i>Stambler v. Merrill Lynch & Co., Inc., et. al</i>, No. 08-462 (E.D. Tex. June. 21, 2010) (agreement</p>	<p>The IEEE Standard Dictionary of Electronical and Electronics Terms, 7th ed. (2000)</p>

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
			<p>that “the VAN being used for attesting to the authenticity of the payor and document information” means “the VAN being used to verify that the instrument originated from the payor and that the at least a portion of the document information used to create the VAN has not changed”).</p> <p>Memorandum Opinion and Order on Claim Construction, <i>Stambler v. JPMorgan Chase & Co., et al</i>, No. 08-204, at 16-18 (E.D. Tex. April 10, 2010) [Dkt. No. 393] (Court’s construction for “the VAN being used for attesting to the authenticity of the payor and document information”).</p>	
18.	'148 patent, claim 28	payment instrument	<p>a document (including paper or electronic) that is used to transfer funds to a recipient in connection with a [payment]</p> <p><u>Intrinsic Support</u></p> <p><i>Specification</i></p> <p>'302 Patent: Abstract; 1:24-29; 2:7-30; 3:63-67; 4:53-5:2; 5:19-54; 7:16-59; 13:40-60; 16:60-67; 22:11-24:35.</p> <p>FIGS. 7, 8A-8B, 13A-13E.</p>	<p>a financial document (including paper or electronic) that includes all the information necessary to transfer funds to a recipient party in connection with a payment</p> <p><u>Intrinsic</u></p> <p>FIGS. 7-8B, 13A-13E</p> <p>'148 patent, 1:24-30; 4:52 - 5:2; 13:40-60; 22:13-50; 22:65 - 23:15; 24:7-25; 27: 43-47; 28:26-29; 28:34-44</p> <p>File history of related U.S. Patent No. 5,524,073, Jan. 13, 1995 Amendment</p>

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
			<p><i>Claims</i></p> <p>'148 Patent: 1, 6, 16, 20, 21, 28, 31-32, 34, 35.</p> <p><u>Extrinsic Support</u></p> <p>The American Heritage Dictionary of the English Language 936 (3d ed. 1992) (instrument).</p> <p>Robert W. Eisenmenger, <i>Progress in Bringing about a More Efficient and Safer Payment System</i>, in The U.S. Payment System: Efficiency, Risk and the Role of the Federal Reserve 11 (David B. Humphrey ed., 1990).</p> <p>David B. Humphrey & Allen N. Berger, <i>Market Failure and Resource Use: Economic Incentives to Use Different Payment Instruments</i>, in The U.S. Payment System: Efficiency, Risk and the Role of the Federal Reserve 48-49 (David B. Humphrey ed., 1990).</p> <p>Encyclopedia of Cryptography and Security 175-177 (Henk C.A. van Tilborg ed., 2005).</p>	<p>Remarks at 8-9</p> <p>File history of 5,524,073, Jul. 19, 1995 Amendment Remarks at 14</p> <p>File history of '302 patent, Nov. 7, 1997 Amendment Remarks at 54-55</p>

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
			<p>Joint Claim Chart Pursuant to P.R. 4-5(d) at pp. 16-17, <i>Stambler v. Merrill Lynch & Co., Inc., et. al</i>, No. 08-462 (E.D. Tex. June. 21, 2010) (agreement that “payment instrument” means “a document (including paper or electronic) that is used to transfer funds to a recipient party in connection with a payment”).</p> <p>Memorandum Opinion and Order on Claim Construction, <i>Stambler v. JPMorgan Chase & Co., et al</i>, No. 08-204, at 20 (E.D. Tex. April 10, 2010) [Dkt. No. 393] (Court’s construction for “payment instrument”).</p>	
19.	'148 patent, claims 34, 35	instrument for transferring funds	<p>a document (including paper or electronic) that is used to transfer funds to a recipient</p> <p><u>Intrinsic Support</u></p> <p><i>Specification</i></p> <p>'302 Patent: Abstract; 1:24-29; 2:7-30; 3:63-67; 4:53-5:2; 5:19-54; 7:16-59; 13:40-60; 16:60-67; 22:11-24:35.</p> <p>FIGS. 7, 8A-8B, 13A-13E.</p>	<p>a financial document (including paper or electronic) that includes all the information necessary to transfer funds to a recipient party</p> <p><u>Intrinsic</u></p> <p>FIGS. 7-8B, 13A-13E</p> <p>'148 patent, 1:24-30; 4:52 - 5:2; 13:40-60; 22:13-50; 22:65 - 23:15; 24:7-25; 27: 43-47; 28:26-29; 28:34-44</p> <p>File history of related U.S. Patent No. 5,524,073, Jan. 13, 1995 Amendment</p>

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
			<p><i>Claims</i></p> <p>'148 Patent: 1, 6, 16, 20, 21, 28, 31-32, 34, 35.</p> <p><u>Extrinsic Support</u></p> <p>The American Heritage Dictionary of the English Language 936 (3d ed. 1992) (instrument).</p> <p>Robert W. Eisenmenger, <i>Progress in Bringing about a More Efficient and Safer Payment System</i>, in The U.S. Payment System: Efficiency, Risk and the Role of the Federal Reserve 11 (David B. Humphrey ed., 1990).</p> <p>David B. Humphrey & Allen N. Berger, <i>Market Failure and Resource Use: Economic Incentives to Use Different Payment Instruments</i>, in The U.S. Payment System: Efficiency, Risk and the Role of the Federal Reserve 48-49 (David B. Humphrey ed., 1990).</p> <p>Encyclopedia of Cryptography and</p>	<p>Remarks at 8-9</p> <p>File history of related U.S. Patent No. 5,524,073, Jul. 19, 1995 Amendment Remarks at 14</p> <p>File history of '302 patent, Nov. 7, 1997 Amendment Remarks at 54-55</p>

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
			<p>Security 175-177 (Henk C.A. van Tilborg ed., 2005).</p> <p>Joint Claim Chart Pursuant to P.R. 4-5(d) at pg. 18, <i>Stambler v. Merrill Lynch & Co., Inc., et. al</i>, No. 08-462 (E.D. Tex. June. 21, 2010) (agreement that “instrument for transferring funds” means “a document (including paper or electronic) that is used to transfer funds to a recipient party”).</p> <p>Memorandum Opinion and Order on Claim Construction, <i>Stambler v. JPMorgan Chase & Co., et al</i>, No. 08-204, at 20 (E.D. Tex. April 10, 2010) [Dkt. No. 393] (Court’s construction for “instrument”).</p>	
20.	'148 patent, claims 1, 34	secret key of the first party	<p>a private key that is created by the first party or an entity originating an instrument on the first party’s behalf, by coding information associated with or related to the first party, which is capable of being separately created by a party intended to authenticate the instrument</p> <p><u>Intrinsic Support</u> <i>Specification</i></p>	<p>key that is generated by coding information associated with and known, prior to any coding, only by the first party, for use in any future transactions</p> <p><u>Intrinsic</u> '148 patent, 2:31-54; 2:48-55; 4:14-24; 4:43-46; 5:3-6; 5:62-6:1; 6:29-40; 6:51-55 Figs. 6-8B</p> <p>File history of '302 patent, Nov. 7, 1997 Amendment Remarks at 53</p>

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
			<p>'302 Patent: Abstract; 2:7-44; 4:4-10; 4:52-5:54; 6:22-7:15; 7:49-59; 8:45-11:33; 14:43-50; 15:28-16:11.</p> <p>FIGS. 7, 8A-8B, 13A-13E.</p> <p><i>Claims</i></p> <p>'148 Patent: 1, 4, 16, 19, 28, 30, 34, 35.</p> <p><i>Prosecution History</i></p> <p>App. 08/855,561, Preliminary Amendment Dated Aug. 25, 1998 at pp. 19-21 (claims 136, 138-39).</p> <p><u>Extrinsic Support</u></p> <p>Deborah Russell & G.T. Gangeme Sr., Computer Security Basics 414 (O'Reilly & Associates 1991) (key).</p> <p>David E. Newton, Encyclopedia of Cryptology (ABC-CLIO 1997) (key).</p> <p><i>Stambler v. RSA Sec., Inc.</i>, 01-065, at pg. 2 (D. Del. Jan. 29, 2003) (claim construction order).</p> <p>The American Heritage Dictionary of the English Language 1442 (3d ed.</p>	<p>File history of related U.S. Patent No. 5,267,314, March 18, 1993 Amendment Remarks, at 38</p> <p><u>Extrinsic</u></p> <p>Stambler Dep., Jan. 14, 2010, 201:4-202:9; 339:9-16</p> <p>Stambler Dep., Mar. 14, 2002, 1030:14-19</p> <p>Finkel Dep., Sept. 18, 2002, 396:6-13; 394:12-17</p> <p>STAM 117-19</p>

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
			1992) (private).	
21.	'148 patent, claim 34	including the VAN with the instrument for subsequent use in attesting to the authenticity of the instrument	<p>including the VAN with the instrument for subsequent use in verifying that the information in the instrument has not changed and verifying that the instrument originated from the first party</p> <p><u>Intrinsic Support</u></p> <p><i>Specification</i></p> <p>'302 Patent: Abstract; 1:24-2:4; 2:7-30; 4:42-46; 5:3-6:45; 6:66-7:32; 7:49-8:44; 13:12-60; 15:17-16:41; 22:7-9; 23:11-17; 24:5-29.</p> <p>FIGS. 7-8B, 13A-13E.</p> <p><i>Claims</i></p> <p>'302 Patent: 41, 45, 51, 53, 54, 60.</p> <p>'148 Patent: 1, 16, 28, 34, 35.</p> <p><u>Extrinsic Support</u></p> <p>Dennis Longley et al., Information Security: Dictionary of Concepts,</p>	<p>including the VAN with the instrument for subsequent use in verifying that the instrument is not fraudulent</p> <p><u>Intrinsic</u></p> <p>'302 patent, 1:24-42; 1:43-2:4; 2:7-9; 22:11-24:28; 22:18-20; 22:42-49; 22:54-57; 23:11-14; 23:46-52; 24:14-23; 2:9-29; 2:31-55; 3:1-6; 5:3-34, 5:55-6:21, 6:38-43, 6:66-7:20; 3:7-13; 11:17-20; 12:28-30, 12:35-40, 12:53-13:28; 3:14-18; 13:43-48; 13:56-60; 15:18-27; 15:28-45; 15:46-56; 15:57-16:11; 16:22-41; 16:53-59; 3:19-21; 17:1-13; 17:13-23; 17:52-54; 18:44-52; 18:53-63; 19:26-49; 3:22-25; 20:43-46; 21:7-14; 21:35-43; 7:16-20; 9:44-48; 12:5-7; 13:19-22; 16:37-41; 23:14-15; 5:40-44; Figures 6, 7, 8A, 8B, 9-12, 13A-13E, 14, 15A-15C, and 16</p> <p>'148 patent, 1:26-44; 1:44-2:5; 2:8-10; 22:11-24:28; 22:18-20; 22:42-49; 22:54-57; 23:11-14; 23:46-52; 24:14-23; 2:10-30; 2:31-55; 3:1-6; 5:3-34, 5:55-6:21, 6:38-43, 6:66-7:20; 3:7-13; 11:17-20; 12:28-30, 12:35-40, 12:53-13:28; 3:14-18; 13:43-48; 13:56-60; 15:18-27; 15:28-45; 15:46-56; 15:57-16:11; 16:22-41; 16:53-59; 3:19-21; 17:1-13; 17:13-23; 17:52-54; 18:44-52;</p>

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
			<p>Standards and Terms 30, 141 (MacMillan Publishers 1992) (authentication).</p> <p>Deborah Russell & G.T. Gangeme Sr., Computer Security Basics 405 (O'Reilly & Associates 1991) (authentication, authenticity).</p> <p>David E. Newton, Encyclopedia of Cryptology (ABC-CLIO 1997) (authentication).</p> <p>ANSI Standard X9.9, Financial Institution Message Authentication (Wholesale) 1 (ANSI 1986) (authentication).</p> <p>D.W. Davies & W.L. Price, Security for Computer Networks 360-61, 363, 365, 367 (2nd ed. John Wiley & Sons 1989) (authentication, data origin authentication, integrity, peer-entity authentication).</p> <p>IBM Dictionary of Computing 40 (Third Ed. 1993) (authentication).</p>	<p>18:53-63; 19:26-49; 3:22-25; 20-43-46; 21:7-14; 21:35-43; 7:16-20; 9:44-48; 12:5-7; 13:19-22; 16:37-41; 23:14-15; 5:40-44; Figures 6, 7, 8A, 8B, 9-12, 13A-13E, 14, 15A-15C, and 16</p> <p>File history of '302 patent, Nov. 7, 1997 Response to Non-Final Office Action at 52-60</p> <p><u>Extrinsic</u> April 9, 2010 Memorandum Opinion and Order in <i>Stambler v. JPMorgan Chase & Co.</i>, No. 08-204 at 19-20 (E.D. Tex.)</p> <p>The IEEE Standard Dictionary of Electronical and Electronics Terms, 6th ed. (1996)</p> <p>The IEEE Standard Dictionary of Electronical and Electronics Terms, 7th ed. (2000)</p>

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
			<p>The American Heritage Dictionary of the English Language 119, 124 (3d ed. 1992) (attest, authentic, authenticate, authenticity).</p> <p>Webster's Encyclopedic Unabridged Dictionary of the English Language 96, 99 (Deluxe Edition 1994) (attest, authentic, authenticate, authenticity).</p> <p>Roget's A-Z Thesaurus 274 (Macmillan 1999) (evidence).</p> <p>Joint Claim Chart Pursuant to P.R. 4-5(d) at pp. 19-20, <i>Stambler v. Merrill Lynch & Co., Inc., et. al</i>, No. 08-462 (E.D. Tex. June. 21, 2010) (agreement that "including the VAN with the instrument for subsequent use in attesting to the authenticity of the instrument" means "including the VAN with the instrument for subsequent use in verifying that the information in the instrument has not changed and verifying that the instrument originated from the first party").</p> <p>Memorandum Opinion and Order on Claim Construction, <i>Stambler v.</i></p>	

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
			<i>JPMorgan Chase & Co., et al</i> , No. 08-204, at 18019 (E.D. Tex. April 10, 2010) [Dkt. No. 393] (Court's construction for "VAN . . . attesting to the authenticity of the instrument").	
22.	'148 patent, claim 35	one or more pieces of payment information including an amount, information for identifying the recipient party or the originator party, a date, and a check control or serial number	<p>one or more pieces of the following payment information: an amount, information for identifying the recipient party or the originator party, a date, and a check control or serial number</p> <p><u>Intrinsic Support</u></p> <p><i>Specification</i></p> <p>'302 Patent: Abstract; 5:15-55; 13:40-14:16; 16:52-67; 22:11-24:35.</p> <p><i>Claims</i></p> <p>'148 Patent: 16, 35.</p> <p><i>Prosecution History</i></p> <p>App. 08/855,561, Application at pg. 63 (claim 48).</p> <p>App. 08/855,561, Preliminary Amendment Dated 8/25/98 at pg. 17 (claim 130).</p>	<p>one or more pieces of payment information, the one or more pieces of payment information including each of the following: an amount, information for identifying the recipient party or the originator party, a date, and a check control or serial number</p> <p><u>Intrinsic</u></p> <p>File history of '148 patent, March 29, 1999 Amendment in Response to December 29, 1998 Office Action at 11-12</p> <p><u>Extrinsic</u></p> <p>MPEP, 8th Ed., Sects. 608.01(p) & 803.02</p> <p><i>Datatransury Corp. v. Wells Fargo & Co., et al.</i>, May 11, 2009 Claim Construction Order at 107-108 [Case 2:06-cv-00072-DF-CMC, D.I. 1221](J. Folsom).</p>

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
			<p><u>Extrinsic Support</u></p> <p>Joint Claim Chart Pursuant to P.R. 4-5(d) at pg. 21, <i>Stambler v. Merrill Lynch & Co., Inc., et. al</i>, No. 08-462 (E.D. Tex. June. 21, 2010) (agreement that “one or more pieces of payment information including an amount, information for identifying the recipient party or the originator party, a date, and a check control or serial number” means “one or more pieces of the following payment information: an amount, information for identifying the recipient party or the originator party, a date, and a check control or serial number”).</p> <p>Memorandum Opinion and Order on Claim Construction, <i>Stambler v. JPMorgan Chase & Co., et al</i>, No. 08-204, at 27-28 (E.D. Tex. April 10, 2010) [Dkt. No. 393] (Court’s construction for “one or more pieces of payment information including an amount, information for identifying the recipient party or originator party, a date, and a check control or serial number”).</p>	
23.	‘148 patent, claim 35	creating an error detection code	Agreed construction:	Agreed construction:

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
		(EDC1) by coding	creating an error detection code (EDC1) by applying an algorithm to information in such a manner as to permit detection of changes but without complete recovery of the original information	creating an error detection code (EDC1) by applying an algorithm to information in such a manner as to permit detection of changes but without complete recovery of the original information
24.	'148 patent, claim 35	secret key of the originator	<p>a private key that is created by the originator, or an entity originating an instrument on the originator's behalf, by coding information associated with or related to the originator, which is capable of being separately created by a party intended to authenticate the instrument</p> <p><u>Intrinsic Support</u></p> <p><i>Specification</i> '302 Patent: Abstract; 2:7-44; 4:4-10; 4:52-5:54; 6:22-7:15; 7:49-59; 8:45-11:33; 14:43-50; 15:28-16:11. FIGS. 7, 8A-8B, 13A-13E.</p> <p><i>Claims</i> '148 Patent: 1, 4, 16, 19, 28, 30, 34, 35.</p> <p><i>Prosecution History</i> App. 08/855,561, Preliminary Amendment Dated Aug. 25, 1998 at pp. 19-21 (claims 136, 138-39).</p> <p><u>Extrinsic Support</u> Deborah Russell & G.T. Gangeme Sr., Computer Security Basics 414</p>	<p>key that is generated by coding information associated with and known, prior to any coding, only by the originator, for use in any future transactions</p> <p><u>Intrinsic</u> Figs. 6-8B. '302 patent, 2:31-54; 2:48-55; 4:14-24; 4:43-46; 5:3-6; 5:62-6:1; 6:29-40; 6:51-55 File history of '302 patent, Nov. 7, 1997 Amendment Remarks at 53 File history of related U.S. Patent No. 5,267,314, March 18, 1993 Amendment Remarks at 38</p> <p><u>Extrinsic</u> Stambler Dep., 1/14/10, 201:4-202:9; 339:9-16 Stambler Dep., 3/14/02, 1030:14-19 Finkel Dep., 9/18/02, 396:6-13; 394:12-17 STAM 117-19</p>

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
			(O'Reilly & Associates 1991) (key). David E. Newton, Encyclopedia of Cryptology (ABC-CLIO 1997) (key). <i>Stambler v. RSA Sec., Inc.</i> , 01-065, at pg. 2 (D. Del. Jan. 29, 2003) (claim construction order). The American Heritage Dictionary of the English Language 1442 (3d ed. 1992) (private).	
25.	'148 patent, claim 35	the originator's VAN being usable to determine the authenticity of the one or more pieces of payment information	<p>the originator's VAN being usable to verify that the one or more pieces of payment information has not changed and to verify that the one or more pieces of payment information originated from the originator party</p> <p><u>Intrinsic Support</u></p> <p><i>Specification</i></p> <p>'302 Patent: Abstract; 1:24-2:4; 2:7-30; 4:42-46; 5:3-6:45; 6:66-7:32; 7:49-8:44; 13:12-60; 15:17-16:41; 22:7-9; 23:11-17; 24:5-29.</p> <p>FIGS. 7-8B, 13A-13E.</p> <p><i>Claims</i></p> <p>'302 Patent: 41, 45, 51, 53, 54, 60.</p>	<p>the originator's VAN being usable to verify that the one or more pieces of payment information are not fraudulent</p> <p><u>Intrinsic</u></p> <p>'302 patent, 1:24-42; 1:43-2:4; 2:7-9; 22:11-24:28; 22:18-20; 22:42-49; 22:54-57; 23:11-14; 23:46-52; 24:14-23; 2:9-29; 2:31-55; 3:1-6; 5:3-34, 5:55-6:21, 6:38-43, 6:66-7:20; 3:7-13; 11:17-20; 12:28-30, 12:35-40, 12:53-13:28; 3:14-18; 13:43-48; 13:56-60; 15:18-27; 15:28-45; 15:46-56; 15:57-16:11; 16:22-41; 16:53-59; 3:19-21; 17:1-13; 17:13-23; 17:52-54; 18:44-52; 18:53-63; 19:26-49; 3:22-25; 20:43-46; 21:7-14; 21:35-43; 7:16-20; 9:44-48; 12:5-7; 13:19-22; 16:37-41; 23:14-15; 5:40-44; Figures 6, 7, 8A, 8B, 9-12, 13A-13E, 14, 15A-15C, and 16</p> <p>'148 patent, 1:26-44; 1:44-2:5; 2:8-10;</p>

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
			<p>'148 Patent: 1, 16, 28, 34, 35.</p> <p><u>Extrinsic Support</u></p> <p>Dennis Longley et al., Information Security: Dictionary of Concepts, Standards and Terms 30, 141 (MacMillan Publishers 1992) (authentication).</p> <p>Deborah Russell & G.T. Gangeme Sr., Computer Security Basics 405 (O'Reilly & Associates 1991) (authentication, authenticity).</p> <p>David E. Newton, Encyclopedia of Cryptology (ABC-CLIO 1997) (authentication).</p> <p>ANSI Standard X9.9, Financial Institution Message Authentication (Wholesale) 1 (ANSI 1986) (authentication).</p> <p>D.W. Davies & W.L. Price, Security for Computer Networks 360-61, 363, 365,</p>	<p>22:11-24:28; 22:18-20; 22:42-49; 22:54-57; 23:11-14; 23:46-52; 24:14-23; 2:10-30; 2:31-55; 3:1-6; 5:3-34, 5:55-6:21, 6:38-43, 6:66-7:20; 3:7-13; 11:17-20; 12:28-30, 12:35-40, 12:53-13:28; 3:14-18; 13:43-48; 13:56-60; 15:18-27; 15:28-45; 15:46-56; 15:57-16:11; 16:22-41; 16:53-59; 3:19-21; 17:1-13; 17:13-23; 17:52-54; 18:44-52; 18:53-63; 19:26-49; 3:22-25; 20:43-46; 21:7-14; 21:35-43; 7:16-20; 9:44-48; 12:5-7; 13:19-22; 16:37-41; 23:14-15; 5:40-44; Figures 6, 7, 8A, 8B, 9-12, 13A-13E, 14, 15A-15C, and 16</p> <p>File History of '302 patent, Nov. 7, 1997 Response to Non-Final Office Action at 52-60</p> <p><u>Extrinsic</u></p> <p>April 9, 2010 Memorandum Opinion and Order in <i>Stambler v. JPMorgan Chase & Co.</i>, No. 08-204 at 19-20 (E.D. Tex.)</p> <p>The IEEE Standard Dictionary of Electrical and Electronics Terms, 6th ed. (1996)</p> <p>The IEEE Standard Dictionary of Electrical and Electronics Terms, 7th ed. (2000)</p>

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
			<p>367 (2nd ed. John Wiley & Sons 1989) (authentication, data origin authentication, integrity, peer-entity authentication).</p> <p>IBM Dictionary of Computing 40 (Third Ed. 1993) (authentication).</p> <p>The American Heritage Dictionary of the English Language 119, 124 (3d ed. 1992) (attest, authentic, authenticate, authenticity).</p> <p>Webster's Encyclopedic Unabridged Dictionary of the English Language 96, 99 (Deluxe Edition 1994) (attest, authentic, authenticate, authenticity).</p> <p>Roget's A-Z Thesaurus 274 (Macmillan 1999) (evidence).</p> <p>Joint Claim Chart Pursuant to P.R. 4-5(d) at pp. 22-23, <i>Stambler v. Merrill Lynch & Co., Inc., et. al</i>, No. 08-462 (E.D. Tex. June. 21, 2010) (agreement that "the originator's VAN being usable to determine the authenticity of the one or more pieces of information" means "the originator's VAN being usable to</p>	

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
			<p>verify that the one or more pieces of payment information has not changed and to verify that the one or more pieces of payment information originated from the originator party”).</p> <p>Memorandum Opinion and Order on Claim Construction, <i>Stambler v. JPMorgan Chase & Co., et al</i>, No. 08-204, at 18019 (E.D. Tex. April 10, 2010) [Dkt. No. 393] (Court’s construction for “VAN . . . attesting to the authenticity of the instrument”).</p>	
26.	'148 patent, claim 34	the adequacy of the funds in the first party’s account being verified after the instrument is issued	<p>Agreed construction:</p> <p>the instrument being issued before verifying whether an account of the first party has adequate funds or credit to cover or pay the instrument</p>	<p>Agreed construction:</p> <p>the instrument being issued before verifying whether an account of the first party has adequate funds or credit to cover or pay the instrument</p>
27.	'302 patent, claim 7	and then coding the result using third information	<p>and thereafter transforming the result by applying a known algorithm using third information</p> <p><u>Intrinsic Support</u> <u>Specification</u> '302 Patent: 2:26-29; 3:37-35; 4:21-24; 5:6-44; 7:12-15; 13:24-28, 13:40-15:55. FIGS. 1, 6 (element 12), 7, 13.</p>	<p>reversibly transforming the result by applying a known algorithm using a key (the third information) without intervening operations</p> <p><u>Intrinsic</u> '302 patent, cl. 2, 3, 7, 8, 9, 14, 16, 17, 18, 28, 31, 33, 36, 38, 39, 46, 55, 61, 63, 64, 66, 67, 69, 70, 72, 73, 74, 75, 78, 85, 86, 87, 88</p>

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
			<p><i>Claims</i> '302 Patent, claim 7</p> <p><u>Extrinsic Support</u> The American Heritage Dictionary of the English Language 1862 (3d ed. 1992) (thereafter).</p> <p><i>Stambler v. RSA Sec., Inc.</i>, 01-065, at pg. 4 (D. Del. Jan. 29, 2003) (claim construction order).</p> <p>Joint Claim Construction and Prehearing Statement Pursuant to P.R. 4-3 at pp. 1-2, Exs. A, B, <i>Stambler v. JPMorgan Chase & Co., et. al</i>, No. 08-204 (E.D. Tex. Nov. 17, 2009) [Dkt. No. 356] (agreed construction of coding).</p> <p>Memorandum Opinion and Order on Claim Construction, <i>Stambler v. JPMorgan Chase & Co., et al</i>, No. 08-204, at 6 (E.D. Tex. April 10, 2010) [Dkt. No. 393] (agreed construction of coding).</p>	<p>'148 patent, cl. 5, 7, 19, 22, 35</p> <p>'302 patent, 3:36-47; 4:19-24, 5:4-5, 5:66-67; 5:40-44; Fig. 1-2, 7, 8A-8B, 9, 10A-10B, 11, 12A-12B, 13A-13E, 15-15C</p> <p>File history of related U.S. Patent No. 5,267,314, March 18, 1993 Response to Non-Final Office Action at 23</p> <p>File history of '302 patent, Nov. 7, 1997 Amendment Remarks at 54</p>
28.	'302 patent, claim 41	first/second storage means	This element is not subject to 35 U.S.C. § 112, ¶ 6: a first / second place for storing information, which can be computer storage	<u>Function:</u> storing the first/second party's account information

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			<p>Alternatively, if the Court concludes this element is subject to 35 U.S.C. § 112, ¶ 6:</p> <p><u>Function</u>: storing the first / second account information</p> <p><u>Structure</u>: documents, files, memory or other computer storage, tables, personal storage media</p> <p><u>Intrinsic Support</u> <i>Specification</i> '302 Patent: 1:36-39; 2:36-38; 4:9-13; 4:32-39; 6:25-32, 45-51, 62-65; 7:26-28; 8:54-60; 9:54-60; 14:9-11, 27-35, 42-46, 64-65; 15:9-11, 27-30, 57-64; 16:18-22, 28-29; 16:47-48; 20:46-61; 24:6-9.</p> <p>FIGS. 6 (element 22), 8A (element 68), 8B (elements 50, 55), 9 (official's record, elements 102, 108, 112), 10A (user record, elements 102, 108', 112'), 10B (element 134), FIG. 11 (user's file no. 1, elements 144, 146), 12B (elements 174, 178), 13A (element 203), 13B (elements 208, 210, 213, 230, 232, 240), 13C (elements 250,</p>	<p><u>Structure</u>: first/second party's bank's computer</p> <p><u>Intrinsic</u> FIGS. 6, 8A-8B, 13B-13E '302 patent, 3:67- 4:42; 6:18-28; 6:41-49; 14:27-36; 15:46-66; 16:33-44</p> <p>File history of '302 patent, Nov. 7, 1997 Amendment Remarks at 53</p>

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
			<p>252, 258, 260, 268), 13D (elements 273, 278, 280), 13E (element 291), 16 (element 1602).</p> <p><i>Claims</i> '302 Patent, claim 41, 49, 50</p> <p><u>Extrinsic Support</u> <i>Stambler v. RSA Sec., Inc.</i>, 01-065, at pg. 7 (D. Del. Jan. 29, 2003) (claim construction order).</p> <p>The American Heritage Dictionary of the English Language 1771 (3d ed. 1992) (storage).</p> <p>Computer Dictionary 2, 149, 168-69, 221, 290, 302, 330 (Microsoft Press 1991).</p> <p>Charles J. Sippl, Computer Dictionary 473 (4th ed. 1986) (storage).</p> <p>Jerry M. Rosenberg, Dictionary of Computers, Data Processing, and Telecommunications 504 (1984) (storage).</p>	
29.	'302 patent, claims 41, 51	transferring funds ... if	to cause funds to pass from the first account to the second account, including by debiting or crediting or by instructing another to debit or credit	debiting (i.e., deducting) the transfer amount from the first account and crediting (i.e., adding) the transfer amount to the second account if . . .

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			<u>Intrinsic Support</u> <i>Specification</i> 7:15-59; 8:16-33; 16:12-59. FIGS. 8, 13. <i>Claims</i> '302 Patent, claims 41, 42, 51, 52, 57, 58. '148 Patent, claim 1. <u>Extrinsic Support</u> The American Heritage Dictionary of the English Language 1900 (3d ed. 1992) (transfer).	<u>Intrinsic</u> '302 patent, cl. 41, 51, 5:28-33, 7:16-32, 7:39-45, 13:43-53, 16:18-67, 24:5-27
30.	'302 patent, claims 41, 51	using at least a portion of the received funds transfer information	Plain meaning; alternatively, using some, but not necessarily all, of the received funds transfer information <u>Intrinsic Support</u> <i>Specification</i> '302 Patent: Abstract; 2:7-30; 5:3-54. <i>Claims</i> '302 Patent, claims 41, 51. '148 Patent, claims 1, 16, 28, 34, 35. <u>Extrinsic Support</u> The American Heritage Dictionary of the English Language 1412 (3d ed.	using at least some of the information for identifying the first account of the first party, at least some of the information for identifying the second account of the second party, and at least some of the transfer amount <u>Intrinsic</u> '302 patent, 2:17-29; 5:15-22; 6:66-7:15; 16:1-11; 22:65-23:17; 24:10-23

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
			1992) (portion).	
31.	'302 patent, claims 41, 43, 44, 47, 51, 53 '148 patent, claims 1, 4, 34, 35	party	a person or entity, computer system(s), or a person or entity using a computer system(s) <u>Intrinsic Support</u> <i>Specification</i> '302 Patent: 4:64-67; 5:29-8:44; 13:40-16:67; 24:4-29. FIGS. 7-8B, 13A-13E. <i>Claims</i> '302 Patent, claims 7, 17, 25, 39, 41, 73, 88. <i>Prosecution History</i> App. 08/747,174, Amendment Dated 11/7/97, at pp. 20-21, 54-55. App. 08/747,174, Office Action Dated 8/12/97.	a person or legal entity, including computer systems put in use by that person or entity <u>Intrinsic</u> '302 patent, 1:65-2:4; 4:67-5:2; 13:43-56; 23:29-30: cl. 17. cl. 39; cl. 73; cl. 88 '148 patent, cl. 2; cl. 5; cl. 14
32.	'302 patent, claim 41	a third party for determining	Agreed construction: a party, other than the first or second parties, that performs the determining step of the claim	Agreed construction: a party, other than the first or second parties, that performs the determining step of the claim
33.	'302 patent, claim 44	accounts receivable	a record that indicates a monetary value owed	balances of multiple accounts of funds due from one or more debtors

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			<u>Intrinsic Support</u> <i>Specification</i> '302 Patent: 22:13-24:30. <i>Claims</i> '302 Patent, claim 44. '148 Patent, claim 12. <u>Extrinsic Support</u> Dictionary of Business 244 (Fitzroy Dearborn 1998) (receivable).	<u>Intrinsic</u> '302 patent, 7:16-45; 13:40-60; 16:18-52; 22:48-57; 24:5-29; Figs. 8B, 13A-13E; claims 41, 43, 44 '148 patent, cl. 12, 28 File history of '302 patent, November 7, 1997 Response to Non-Final Office Action at 48, 55-57 <u>Extrinsic</u> Webster's Ninth New Collegiate Dictionary (1983)
34.	'302 patent, claim 44	accounts payable	a record that indicates a monetary value due to be paid <u>Intrinsic Support</u> <i>Specification</i> '302 Patent: 22:13-24:30. <i>Claims</i> '302 Patent, claim 44 '148 Patent, claim 12 <u>Extrinsic Support</u>	balances of multiple accounts of funds due to one or more creditors <u>Intrinsic</u> '302 patent, 7:16-45; 13:40-60; 16:18-52; 22:48-57; 24:5-29; Figs. 8B, 13A-13E; claims 41, 43, 44 '148 patent, cl. 12, 28 File history of '302 patent, November 7, 1997 Response to Non-Final Office Action at 48, 55-57 <u>Extrinsic</u> Webster's Ninth New Collegiate Dictionary (1983)

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
			Dictionary of Business 211 (Fitzroy Dearborn 1998) (payable).	
35.	'302 patent, claim 51	A method for authenticating the transfer of funds from an account associated with a first party to an account associated with a second party, a credential being previously issued to at least one of the parties by a trusted party, the information stored in the credential being non-secret, the method comprising	<p>The preamble is not limiting.</p> <p>A method for authenticating the transfer of funds from an account [associated with] a first [party] to an account [associated with] a second [party], a [credential] being [previously issued] to at least one of the parties by a [trusted party], the information stored in the [credential] being non-secret, the method comprising</p> <p><u>Intrinsic Support</u> '302 Patent, claim 51.</p> <p><i>See also</i> intrinsic and extrinsic support for party, credential, previously issued, and trusted party.</p>	<p>The preamble is limiting and requires "a credential being previously issued to at least one of the parties by a trusted party, the information stored in the credential being non-secret."</p> <p><u>Intrinsic</u> '302 patent, 32:16-36</p> <p>These limitations were added by amendment during prosecution of the '302 patent. <i>See</i> Nov. 7, 1997 Response to Non-Final Action at 22</p>
36.	'302 patent, claims 41, 51	authentic	<p>This term is used in differently in different contexts throughout the patents.</p> <p>'302 patent, claims 41 and 51: determined to be unchanged, from a stated origin, or not fraudulent</p>	<p>not fraudulent</p> <p><u>Intrinsic</u> '302 patent, 1:24-42; 1:43-2:4; 2:7-9; 22:11-24:28; 22:18-20; 22:42-49; 22:54-57; 23:11-14; 23:46-52; 24:14-23; 2:9-29; 2:31-55; 3:1-6; 5:3-34, 5:55-6:21, 6:38-43, 6:66-7:20; 3:7-13; 11:17-20; 12:28-30, 12:35-40, 12:53-13:28; 3:14-18; 13:43-48; 13:56-60;</p>

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			<u>Intrinsic Support</u> <i>Specification</i> '302 Patent: Abstract; 1:24-2:30; 3:36-49; 4:52-54; 5:3-6:45; 6:66-11:33; 13:12-60; 14:1-15; 14:43-50; 15:17-16:59; 19:40-20:4; 21:7-22:10; 22:65-23:22; 24:2-29. FIGS. 7, 8A-8B, 11, 12A-12B, 13A-13E, 15A-15C, 16. <i>Claims</i> '302 Patent, claims 41, 47, 53 '148 Patent, claims 1, 16, 28, 34, 35 <i>Prosecution History</i> App. 08/747,174, Amendment Dated 11/7/97 at pp. 54-55. <u>Extrinsic Support</u> Dennis Longley et al., Information Security: Dictionary of Concepts, Standards and Terms 30 (MacMillan Publishers 1992) (authentication).	15:18-27; 15:28-45; 15:46-56; 15:57-16:11; 16:22-41; 16:53-59; 3:19-21; 17:1-13; 17:13-23; 17:52-54; 18:44-52; 18:53-63; 19:26-49; 3:22-25; 20:43-46; 21:7-14; 21:35-43; 7:16-20; 9:44-48; 12:5-7; 13:19-22; 16:37-41; 23:14-15; 5:40-44; Figures 6, 7, 8A, 8B, 9-12, 13A-13E, 14, 15A-15C, and 16 '148 patent, 1:26-44; 1:44-2:5; 2:8-10; 22:11-24:28; 22:18-20; 22:42-49; 22:54-57; 23:11-14; 23:46-52; 24:14-23; 2:10-30; 2:31-55; 3:1-6; 5:3-34, 5:55-6:21, 6:38-43, 6:66-7:20; 3:7-13; 11:17-20; 12:28-30, 12:35-40, 12:53-13:28; 3:14-18; 13:43-48; 13:56-60; 15:18-27; 15:28-45; 15:46-56; 15:57-16:11; 16:22-41; 16:53-59; 3:19-21; 17:1-13; 17:13-23; 17:52-54; 18:44-52; 18:53-63; 19:26-49; 3:22-25; 20:43-46; 21:7-14; 21:35-43; 7:16-20; 9:44-48; 12:5-7; 13:19-22; 16:37-41; 23:14-15; 5:40-44; Figures 6, 7, 8A, 8B, 9-12, 13A-13E, 14, 15A-15C, and 16 File History of '302 patent, Nov. 7, 1997 Response to Non-Final Office Action at 52-60 <u>Extrinsic</u> April 9, 2010 Memorandum Opinion and Order in <i>Stambler v. JPMorgan Chase & Co.</i> , No. 08-204 at 19-20

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			<p>Deborah Russell & G.T. Gangeme Sr., Computer Security Basics 405 (O'Reilly & Associates 1991) (authentication, authenticity).</p> <p>David E. Newton, Encyclopedia of Cryptology (ABC-CLIO 1997) (authentication).</p> <p>ANSI Standard X9.9, Financial Institution Message Authentication (Wholesale) 1 (ANSI 1986) (authentication).</p> <p>D.W. Davies & W.L. Price, Security for Computer Networks 360-61, 363, 365, 367 (2nd ed. John Wiley & Sons 1989) (authentication, data origin authentication, integrity, peer-entity authentication).</p> <p>IBM Dictionary of Computing 40 (Third Ed. 1993) (authentication).</p> <p>The American Heritage Dictionary of the English Language 124 (3d ed. 1992)</p>	<p>(E.D. Tex.)</p> <p>The IEEE Standard Dictionary of Electrical and Electronics Terms, 6th ed. (1996)</p> <p>The IEEE Standard Dictionary of Electrical and Electronics Terms, 7th ed. (2000)</p>

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			<p>(authentic, authenticate, authenticity).</p> <p>Webster's Encyclopedic Unabridged Dictionary of the English Language 99 (Deluxe Edition 1994) (authentic, authenticate, authenticity).</p> <p>Joint Claim Chart Pursuant to P.R. 4-5(d), <i>Stambler v. Merrill Lynch & Co., Inc., et. al</i>, No. 08-462 (E.D. Tex. June. 21, 2010) (agreed and disputed and phrases that use the terms authenticity and/or authentic and variations thereof).</p> <p>Memorandum Opinion and Order on Claim Construction, <i>Stambler v. JPMorgan Chase & Co., et al</i>, No. 08-204, at 16-20 (E.D. Tex. April 10, 2010) [Dkt. No. 393].</p>	
37.	'148 patent, claim 1	the VAN attesting to the authenticity of the first party and the first information	<p>the VAN being used to verify that the first information originated from the first party and that the first information has not changed</p> <p><u>Intrinsic Support</u></p> <p><i>Specification</i></p> <p>'302 Patent: Abstract; 1:24-2:4; 2:7-30; 4:42-46; 5:3-6:45; 6:66-7:32; 7:49-8:44; 13:12-60; 15:17-16:41; 22:7-9;</p>	<p>the VAN being used to verify that the identity of the first party and the first information used to create the VAN are not fraudulent</p> <p><u>Intrinsic</u></p> <p>'302 patent, 1:24-42; 1:43-2:4; 2:7-9; 22:11-24:28; 22:18-20; 22:42-49; 22:54-57; 23:11-14; 23:46-52; 24:14-23; 2:9-29; 2:31-55; 3:1-6; 5:3-34, 5:55-6:21, 6:38-43, 6:66-7:20; 3:7-13;</p>

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
			<p>23:11-17; 24:5-29.</p> <p>FIGS. 7-8B, 13A-13E.</p> <p><i>Claims</i></p> <p>'302 Patent: 41, 45, 51, 53, 54, 60.</p> <p>'148 Patent: 1, 16, 28, 34, 35.</p> <p><u>Extrinsic Support</u></p> <p>Dennis Longley et al., Information Security: Dictionary of Concepts, Standards and Terms 30, 141 (MacMillan Publishers 1992) (authentication).</p> <p>Deborah Russell & G.T. Gangeme Sr., Computer Security Basics 405 (O'Reilly & Associates 1991) (authentication, authenticity).</p> <p>David E. Newton, Encyclopedia of Cryptology (ABC-CLIO 1997) (authentication).</p> <p>ANSI Standard X9.9, Financial Institution Message Authentication (Wholesale) 1 (ANSI 1986) (authentication).</p> <p>D.W. Davies & W.L. Price, Security for Computer Networks 360-61, 363, 365, 367 (2nd ed. John Wiley & Sons 1989) (authentication, data origin authentication, integrity, peer-entity</p>	<p>11:17-20; 12:28-30, 12:35-40, 12:53-13:28; 3:14-18; 13:43-48; 13:56-60; 15:18-27; 15:28-45; 15:46-56; 15:57-16:11; 16:22-41; 16:53-59; 3:19-21; 17:1-13; 17:13-23; 17:52-54; 18:44-52; 18:53-63; 19:26-49; 3:22-25; 20:43-46; 21:7-14; 21:35-43; 7:16-20; 9:44-48; 12:5-7; 13:19-22; 16:37-41; 23:14-15; 5:40-44; Figures 6, 7, 8A, 8B, 9-12, 13A-13E, 14, 15A-15C, and 16</p> <p>'148 patent, 1:26-44; 1:44-2:5; 2:8-10; 22:11-24:28; 22:18-20; 22:42-49; 22:54-57; 23:11-14; 23:46-52; 24:14-23; 2:10-30; 2:31-55; 3:1-6; 5:3-34, 5:55-6:21, 6:38-43, 6:66-7:20; 3:7-13; 11:17-20; 12:28-30, 12:35-40, 12:53-13:28; 3:14-18; 13:43-48; 13:56-60; 15:18-27; 15:28-45; 15:46-56; 15:57-16:11; 16:22-41; 16:53-59; 3:19-21; 17:1-13; 17:13-23; 17:52-54; 18:44-52; 18:53-63; 19:26-49; 3:22-25; 20:43-46; 21:7-14; 21:35-43; 7:16-20; 9:44-48; 12:5-7; 13:19-22; 16:37-41; 23:14-15; 5:40-44; Figures 6, 7, 8A, 8B, 9-12, 13A-13E, 14, 15A-15C, and 16</p> <p>File History of '302 patent, Nov. 7, 1997 Response to Non-Final Office Action at 52-60</p> <p><u>Extrinsic</u></p> <p>April 9, 2010 Memorandum Opinion</p>

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
			<p>authentication).</p> <p>IBM Dictionary of Computing 40 (Third Ed. 1993) (authentication).</p> <p>The American Heritage Dictionary of the English Language 119, 124 (3d ed. 1992) (attest, authentic, authenticate, authenticity).</p> <p>Webster's Encyclopedic Unabridged Dictionary of the English Language 96, 99 (Deluxe Edition 1994) (attest, authentic, authenticate, authenticity).</p> <p>Roget's A-Z Thesaurus 274 (Macmillan 1999) (evidence).</p> <p>Joint Claim Chart Pursuant to P.R. 4-5(d) at pp. 16-17, <i>Stambler v. Merrill Lynch & Co., Inc., et. al</i>, No. 08-462 (E.D. Tex. June. 21, 2010) (agreement that "the VAN being used for attesting to the authenticity of the payor and document information" means "the VAN being used to verify that the instrument originated from the payor and that the at least a portion of the document information used to create the VAN has not changed").</p> <p>Memorandum Opinion and Order on Claim Construction, <i>Stambler v. JPMorgan Chase & Co., et al</i>, No. 08-204, at 16-18 (E.D. Tex. April 10, 2010) [Dkt. No. 393] (Court's</p>	<p>and Order in <i>Stambler v. JPMorgan Chase & Co.</i>, No. 08-204 at 19-20 (E.D. Tex.)</p> <p>The IEEE Standard Dictionary of Electrical and Electronics Terms, 6th ed. (1996)</p> <p>The IEEE Standard Dictionary of Electrical and Electronics Terms, 7th ed. (2000)</p>

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
			construction for “the VAN being used for attesting to the authenticity of the payor and document information”).	
38.	'148 patent, claim 1	attaching the VAN to the instrument	<p>joining or connecting the VAN to the instrument</p> <p><u>Intrinsic Support</u> <i>Specification</i> '302 Patent: Abstract; 2:7-29; 5:19-34; 24:3-29.</p> <p>FIGS. 7, 13.</p> <p><i>Claims</i> '148 Patent, claim 1.</p> <p><u>Extrinsic Support</u> The American Heritage Dictionary of the English Language 118 (3d ed. 1992) (attach).</p> <p><i>See also</i> intrinsic and extrinsic support for “instrument for transferring funds” and “payment instrument.”</p>	<p>the VAN joined to the instrument</p> <p><u>Intrinsic</u> '148 patent, 2:17-27; 5:25-34; 6:66-7:2; Figs. 7, 8A-8B</p> <p>File history of '148 patent, August 25, 2008 Amendment at page 21; March 25, 1999 Amendment at 2</p> <p><u>Extrinsic</u> The American Heritage Dictionary of the English Language 118 (3d ed. 1992)</p> <p>Webster's Encyclopedic Unabridged Dictionary of the English Language 95 (Deluxe Edition 1994)</p>
39.	'148 patent, claim 4	descriptive details, of the first party	<p>information that describes a feature of the first party</p> <p><u>Intrinsic Support</u> <i>Specification</i> Abstract; 2:7-30; 4:8-43; 5:3-54.</p>	<p>personal information that identifies the first party</p> <p><u>Intrinsic</u> '148 patent, 12:16-22</p>

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
			<p><i>Claims</i> '148 Patent, claim 4.</p> <p><u>Extrinsic Support</u> The American Heritage Dictionary of the English Language 505, 508 (3d ed. 1992) (descriptive, detail).</p>	
40.	'148 patent, claim 28	appending the VAN to the payment instrument	<p>joining or connecting the VAN to the payment instrument</p> <p><u>Intrinsic Support</u> <i>Specification</i> '302 Patent: Abstract; 2:7-29; 5:19-34; 24:3-29.</p> <p>FIGS. 7, 13.</p> <p><i>Claims</i> '148 Patent, claims 28, 30.</p> <p><u>Extrinsic Support</u> The American Heritage Dictionary of the English Language 88 (3d ed. 1992) (append).</p> <p>Roget's A-Z Thesaurus 37 (Macmillian USA 1999) (append).</p> <p><i>See also</i> intrinsic and extrinsic support for "instrument for transferring funds" and "payment instrument."</p>	<p>the VAN joined to the end of the instrument</p> <p><u>Intrinsic</u> '148 patent, 2:17-27; 5:25-34; 6:66-7:2; Figs. 7, 8A-8B</p> <p>File history of '148 patent, August 25, 2008 Amendment at 21</p> <p><u>Extrinsic</u> The American Heritage Dictionary of the English Language 88 (3d ed. 1992)</p> <p>Webster's Encyclopedic Unabridged Dictionary of the English Language 72 (Deluxe Edition 1994)</p>

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
41.			Withdrawn	Withdrawn
42.	'148 patent, claim 34	including the VAN with the instrument	<p>including the [VAN] with the [instrument]</p> <p><u>Intrinsic Support</u> <i>Specification</i> '302 Patent: Abstract; 2:7-29; 5:19-34; 24:3-29.</p> <p>FIGS. 7, 13.</p> <p><i>Claims</i> '148 Patent, claim 34.</p> <p><u>Extrinsic Support</u> The American Heritage Dictionary of the English Language 913 (3d ed. 1992) (include).</p> <p><i>See also</i> intrinsic and extrinsic support for “instrument for transferring funds” and “payment instrument.”</p>	<p>the VAN accompanying the instrument</p> <p><u>Intrinsic</u> '148 patent, 2:17-27; 5:25-34; 6:66-7:2; Figs. 7, 8A-8B</p> <p>File history of '148 patent, August 25, 2008 Amendment at 21</p> <p><u>Extrinsic</u> The American Heritage Dictionary of the English Language 913 (3d ed. 1992)</p> <p>Webster's Encyclopedic Unabridged Dictionary of the English Language 720 (Deluxe Edition 1994)</p>
43.	'148 patent, claim 35	check control or serial number	<p>a value that is used to identify an instrument</p> <p><u>Intrinsic Support</u> <i>Specification</i> '302 Patent: 7:16-32; 14:37-42.</p> <p><i>Claims</i> '148 Patent, claim 35</p>	<p>a unique number for determining the identity of the instrument</p> <p><u>Intrinsic</u> '148 patent, cl. 35; 4:54-60; 7:16-24; 14:36-41; 16:12-14; Fig. 13A, 13C, 13D</p>

<u>Ref. No.</u>	<u>Patent / Claim(s)</u>	<u>Term/Phrase</u>	<u>Plaintiff's Proposed Constructions</u>	<u>Defendants' Proposed Constructions</u>
			<u>Extrinsic Support</u> The American Heritage Dictionary of the English Language 1647 (3d ed. 1992) (serial number). U.S. Patent No. 4,404,649. U.S. Patent No. 4,758,714.	
44.	'148 patent, claim 35	coding the EDC1 using a secret key of the originator	transforming the EDC1 by applying a known algorithm using a secret key <u>Intrinsic Support</u> <i>Specification</i> '302 Patent: 2:26-29; 3:37-35; 4:21-24; 5:34-44; 7:12-15; 13:24-28. FIGS. 1, 6 (element 12). <u>Extrinsic Support</u> <i>Stambler v. RSA Sec., Inc.</i> , 01-065, at pg. 4 (D. Del. Jan. 29, 2003) (claim construction order). Joint Claim Construction and Prehearing Statement Pursuant to P.R. 4-3 at pp. 1-2, Exs. A, B, <i>Stambler v. JPMorgan Chase & Co., et. al</i> , No. 08-204 (E.D. Tex. Nov. 17, 2009) [Dkt.	reversibly transforming the EDC1 by applying a known algorithm using a secret key of the originator <u>Intrinsic</u> '148 patent, cl. 5, 19, 35; 2:31-34; 3:36-48; 4:14-24; 5:3-22; 5:34-43; 5-62-6:1; 6:29-40; 6:51-55; 6:66-7:15; Fig. 1, 2, 6-8B; <i>see also</i> Terms 1 ("coding"), 24 ("secret key of the originator"), and 27 ("and then coding the result using third information")

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			<p>No. 356] (agreed construction of coding).</p> <p>Memorandum Opinion and Order on Claim Construction, <i>Stambler v. JPMorgan Chase & Co., et al</i>, No. 08-204, at 6 (E.D. Tex. April 10, 2010) [Dkt. No. 393] (agreed construction of coding).</p>	